

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2008-000717

04/11/2012

HON. PAMELA GATES

CLERK OF THE COURT
L. Wistuber
Deputy

IN RE THE MATTER OF
GENA HORN

GENA HORN
1530 E WINDSONG DR
PHOENIX AZ 85048

AND

DAVID HORN

DAVID HORN
16600 N THOMPSON PEAK PKWY
2036
SCOTTSDALE AZ 85260

FAMILY COURT CONFERENCE
CENTER-CCC
FAMILY COURT SERVICES-CCC

MINUTE ENTRY

10:44 a.m. (Courtroom OCH-301) This is the time set for Return Hearing on Mother's February 13, 2012 Petition for Order to Appear re: Modification of Child Support, Disposition and Distribution of Retirement Benefits, Division of Debt, and for Other Relief. Petitioner/Mother is present on her own behalf. Respondent/Father is present on his own behalf.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Gena Horn and David Horn are sworn.

Discussion is held regarding Mother's Petition.

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Pursuant to stipulation,

IT IS ORDERED that within 30 days from today's date, Father shall take steps to have Mother's name removed from the car loan, the Capital One account, Discover Card account, and the Bank of America account ending in digits 2905.

IT IS FURTHER ORDERED that within 2 weeks of today's date, the parties shall confer regarding the selection of a Qualified Domestic Relations Order (QDRO) preparer to divide the Novo Nordisk Inc. 401(k) plan and Schwartz Pharma Fidelity 401(k) as set forth in the decree.

IT IS FURTHER ORDERED not later than April 27, 2012, Father shall either (1) file notice of the QDRO preparer the parties have agreed upon or (2) file a blind list of two names (one suggested by each party) for the Court's selection.

IT IS FURTHER ORDERED referring this matter to the Family Court Conference Center for an arrearage calculation.

IT IS FURTHER ORDERED setting an Evidentiary Hearing on May 30, 2012 at 10:00 a.m. (2 hours allowed) before the Honorable Pamela Gates in this Division at:

**Maricopa County Superior Court
Old Court House
125 W. Washington
3rd Floor, Courtroom 301
Phoenix, AZ 85003**

Failure of a party to appear may result in the Court allowing the party who does appear to proceed by default. Failure of both parties to appear may result in this action being dismissed.

IT IS ORDERED with regard to discovery and disclosure requirements:

1. Both parties shall exchange updated disclosure statements required by Rules 49, 50 and 91, Arizona Rules of Family Law Procedure, including an exchange of all relevant information, documents and exhibits at least 30 days prior to the hearing.

2. All depositions and discovery contemplated by Rules 49 through 65, Arizona Rules of Family Law Procedure, shall be completed and any motions regarding discovery shall be filed at least 15 days prior to the hearing.

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3. Counsel and both parties shall personally meet, face to face, at least 20 days prior to the hearing to conduct settlement discussions, exchange all exhibits, and discuss the resolution and narrowing of all procedural and substantive issues in this case.

4. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution, company or business, medical or health care provider, or employer possessing any relevant and discoverable information.

Pursuant to Rule 77(C)(5), Arizona Rules of Family Law Procedure, each party will be allowed 1/2 of the available time to present all direct, cross, redirect examination and any argument. The parties are expected to complete the trial in the allotted time, and the time will not be extended absent a motion granted by the Court and filed at least 30 days prior to the hearing setting forth good cause to extend the time and specifically including a list of each and every witness who will testify and an estimate of time and subject matter of the expected testimony for each witness.

IT IS FURTHER ORDERED that the parties shall file and provide this Division with a copy of a Joint Pre-hearing Statement pursuant to Rule 76, Arizona Rules of Family Law Procedure, no later than 5 days prior to the hearing.

IT IS FURTHER ORDERED that the Joint Pre-hearing Statement shall include the following attachments:

1. A current Affidavit of Financial Circumstances.
2. A current Parent's Worksheet for Child Support Amount completed by each party pursuant to the Statewide Child Support Guidelines.
3. If there are disputed custody, access or visitation issues, a specific proposal for custody and visitation by each party.

IT IS FURTHER ORDERED that the failure of counsel or any party to appear at the time of hearing, or to timely present the Joint Pre-hearing Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 76(D) and 91(Q), Arizona Rules of Family Law Procedure, including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

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IT IS FURTHER ORDERED any evidence intended to be submitted as exhibits at the time of the Evidentiary Hearing must be brought to this Court's Clerk at **Maricopa County Superior Court Old Courthouse 125 W. Washington Suite 301 Phoenix, AZ no later than 12:00 p.m. on May 23, 2012 with a coversheet listing the description of the exhibits.** All exhibits must be hand-delivered to this Division and must have colored paper separating the exhibits. Any exhibits submitted shall be copied to the opposing party at that same time. The parties shall coordinate their exhibits so that each party does not present duplicate exhibits of the other party. In addition, **each party shall provide an extra copy of the exhibits for use by the Court during the hearing. This extra set of exhibits shall be noted to be the "Bench Copy".**

IT IS FURTHER ORDERED that the parties shall indicate in the Joint Pre-hearing Statement which exhibits they have agreed will be admissible at hearing as well as any specific objections that will be made to any exhibit if offered at hearing which is not agreed to be admitted. Reserving all objections to the time of hearing will not be permitted. At the time of hearing all exhibits that the parties have agreed will be admitted and all exhibits for which no specific objection is stated in the Joint Pre-hearing Statement shall be summarily admitted.

NOTICE

You may request conclusions of fact and law on the following issues, if they are contested: the issues of child custody, relocation requests, spousal maintenance, community property, community debt and child support. To request conclusions of fact and law, you must file a written request with the Court before the evidentiary hearing. If you make a written request before the evidentiary hearing, the Court will make conclusions of fact and law as part of the final decision.

If any party asks the Court to make findings of fact and law on any issue, each party must file written proposed findings of fact and law on those issues. The proposed findings also must be submitted in an electronic form that is editable, preferably Microsoft Word. The proposed findings must be submitted with the Pretrial Statement.

Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the Court as required by Rule 70, Arizona Rules of Family Law Procedure. Should the parties reach a full agreement prior to the date of the hearing, the Court will consider a motion to vacate the hearing **ONLY AFTER A SIGNED STIPULATED AGREEMENT IS PRESENTED TO THE COURT.**

NOTE: All court proceedings are recorded by audio method and not by a court reporter. Any party may request the presence of a court reporter by contacting this division five (5) business days before the scheduled hearing.

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LET THE RECORD REFLECT the courtroom clerk has updated Petitioner's address in ICIS as reflected on the Updated Address Information form filed this date.

11:24 a.m. Matter concludes.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.